

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PERFORMANCE PRICING, INC.,

Plaintiff,

v.

GOOGLE INC. and AOL LLC,

Defendants.

Civil Action No. 2-07CV-432-RRR
(Eastern District of Texas)

JURY TRIAL DEMANDED

DEFENDANTS' OPPOSED MOTION TO EXTEND DEADLINES

Defendants Google Inc. and AOL LLC ("Defendants") respectfully ask the Court to extend the deadline for the joint pretrial order, joint proposed jury instructions, proposed findings of fact and conclusions of law, form of the verdict, and notice of request for daily transcript from March 11, 2010 to March 18, 2010.

This short extension will allow the parties adequate time to prepare, exchange, and file these documents. Indeed, Plaintiff has not yet provided Defendants with its sections of these joint filings.

The requested extension will have no effect on any other dates in this case. There is currently no pretrial conference or trial date scheduled in this case.¹ Nor will Plaintiff suffer any prejudice if this brief extension is granted. Nevertheless, Plaintiff refuses to agree to this extension.

Accordingly, Defendants respectfully request that the Court modify certain deadlines as outlined above.

¹ On January 12, 2010, the Court vacated the pre-trial conference and trial dates. (Dkt. 295.) On February 18, the Court extended certain pre-trial deadlines. (Dkt. 317.) On March 5, the Court further extended the deadlines for motions *in limine* to March 15, and replies to *Daubert* motions to March 22. (Dkt. 332.)

DATED: March 9, 2010

/s/ Jamie L. Lisagor

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Attorneys for Defendants
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 9, 2010.

/s/ Jamie L. Lisagor

Jamie L. Lisagor, *pro hac vice*

CERTIFICATE OF CONFERENCE

I am counsel for Defendants Google and AOL. On March 4, 2010, I called Rick Lyon, counsel for Plaintiff Performance Pricing, Inc., to request a one-week extension on the deadline for the joint pretrial order, joint proposed jury instructions, proposed findings of fact and conclusions of law, form of the verdict, and notice of request for daily transcript. On March 5, Mr. Lyon rejected this request, but suggested Defendants contact Plaintiff again closer to the deadline. I left a message for Mr. Lyon the evening of March 5, again requesting this one-week extension. On March 8, Mr. Lyon confirmed that Plaintiff would not agree to this extension and that Plaintiff would file a short opposition explaining the basis for its refusal if Defendants filed an opposed motion. Defendants therefore file this motion opposed.

/s/ Jamie L. Lisagor

Jamie L. Lisagor, *pro hac vice*